IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.599 OF 2005
IN
SUIT NO.1436 OF 1977

Rajkumar Gangaram Vijan & Anr ..Plaintiffs

Vs.

Ganpat Harjivan and Osr. ..Defendants

Mr.Shailesh Shah a/w Ms.Usha Gadagkar i/b Khona and Kayser for the plaintiffs

Mr.Ajay Panicker for the defendant no.9

Mr.Y.T.John for the defendant no.1, 2, 3(a), 3(b) and 3(c).

CORAM : S.U.KAMDAR, J
DATED : 10TH MARCH, 2006

P.C.:

. The present Chamber Summons is taken out for bringing the legal heirs of deceased defendant no.2 on record. There is a delay of around 300 days. The explanation given is that as soon as the plaintiffs were informed by the advocate for the defendants, Chamber Summons was taken out and therefore there is infact no delay. Defendants contend that the suit is abated. In view of the judgment of the apex court in the case of Mithailal

Dalsangar Singh & Ors. Vs. Annabai Devram Kini and Ors reported in AIR 2003 SC 4244 particularly para 9 thereof Chamber Summons made absolute in terms of prayer clause (a) and (b). Amendment to be carried out within one week from today. Matter to be listed on 17.3.06.